

# **EXHIBIT 1**

**Plaintiffs' Request for Production No. 2:**

Any and all documents concerning any communication between any of the Plaintiffs and/or Musical Artists or their representatives, on the one hand, and any of the Defendants, on the other.

**Defendants' Response to Request for Production No. 2:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 3:**

Any and all documents concerning Defendants' acquisition of any and all assets from SFX and/or Clear Channel Entertainment ("Clear Channel"), including without limitation contracts, purchase agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 3:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this

Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 4:**

Any and all documents concerning Defendants' acquisition of any and all assets from Artrock Assets, including without limitation contracts, purchase agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations, diligence, valuations appraisals, and licensing.

**Defendants' Response to Request for Production No. 4:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 5:**

Any and all documents concerning Defendants' acquisition of any and all assets from Peace Rock, including without limitation contracts, purchase agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 5:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 6:**

Any and all documents concerning Defendants' acquisition of any and all assets from Legends Concert Posters, including without limitation contracts, purchase agreements, drafts,

1 communications, disclosures, prospectuses, inventories, assignments, intellectual property rights,  
2 negotiations, diligence, valuations, appraisals, and licensing.

3 **Defendants' Response to Request for Production No. 6:**

4 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
5 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
6 information protected from disclosure by the attorney-client privilege and/or the attorney work  
7 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
8 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
9 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
10 privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants  
11 further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants  
12 further object to this Request to the extent that it seeks confidential business, trade secret, and/or  
13 financial information. Subject to and without waiving these or the foregoing General Objections, and  
14 subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

15 **Defendants' Supplemental Response to Request for Production No. 6:**

16 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
17 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
18 information protected from disclosure by the attorney-client privilege and/or the attorney work  
19 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
20 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
21 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
22 privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants  
23 further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants  
24 further object to this Request to the extent that it seeks confidential business, trade secret, and/or  
25 financial information. Subject to and without waiving these or the foregoing General Objections, and  
26 subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

27 Defendants will produce relevant, non-privileged documents that are responsive to this  
28 Request, to the extent such documents are found within its possession, custody, or control after a

1 reasonable and diligent search, and to the extent such documents have not already been produced to  
2 Plaintiffs.

3 **Plaintiffs' Request for Production No. 7:**

4 Any and all documents concerning Defendants' acquisition of any and all assets from  
5 Psychedelic Solution, including without limitation contracts, purchase agreements, drafts,  
6 communications, disclosures, prospectuses, inventories, assignments, intellectual property rights,  
7 negotiations, diligence, valuations, appraisals, and licensing.

8 **Defendants' Response to Request for Production No. 7:**

9 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
10 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
11 information protected from disclosure by the attorney-client privilege and/or the attorney work  
12 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
13 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
14 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
15 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
16 privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants  
17 further object to this Request to the extent that it seeks confidential business, trade secret, and/or  
18 financial information. Subject to and without waiving these or the foregoing General Objections, and  
19 subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

20 Defendants will produce relevant, non-privileged documents that are responsive to this  
21 Request, to the extent such documents are found within its possession, custody, or control after a  
22 reasonable and diligent search, and to the extent such documents have not already been produced to  
23 Plaintiffs.

24 **Plaintiffs' Request for Production No. 8:**

25 Any and all documents concerning Defendants' acquisition of any and all assets from Classic  
26 Posters, including without limitation contracts, purchase agreements, drafts, communications,  
27 disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations,  
28 diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 8:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 9:**

Any and all documents concerning Defendants' acquisition of any and all assets from Tom Moffatt Productions, including without limitation contracts, purchase agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 9:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this

Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 10:**

Any and all documents concerning Defendants' acquisition of any and all assets from King Biscuit Flower Hour, including without limitation contracts, purchase agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 10:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a



1 reasonable and diligent search, and to the extent such documents have not already been produced to  
2 Plaintiffs.

3 **Plaintiffs' Request for Production No. 11:**

4 Any and all documents concerning Defendants' acquisition of any and all assets from Silver  
5 Eagle Cross Country, including without limitation contracts, purchase agreements, drafts,  
6 communications, disclosures, prospectuses, inventories, assignments, intellectual property rights,  
7 negotiations, diligence, valuations, appraisals, and licensing.

8 **Defendants' Response to Request for Production No. 11:**

9 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
10 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
11 information protected from disclosure by the attorney-client privilege and/or the attorney work  
12 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
13 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
14 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
15 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
16 privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants  
17 further object to this Request to the extent that it seeks confidential business, trade secret, and/or  
18 financial information. Subject to and without waiving these or the foregoing General Objections, and  
19 subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

20 Defendants will produce relevant, non-privileged documents that are responsive to this  
21 Request, to the extent such documents are found within its possession, custody, or control after a  
22 reasonable and diligent search, and to the extent such documents have not already been produced to  
23 Plaintiffs.

24 **Plaintiffs' Request for Production No. 12:**

25 Any and all documents concerning Defendants' acquisition of any and all assets from Gene  
26 Anthony and/or created by Gene Anthony, including without limitation contracts, purchase  
27 agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual  
28 property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 12:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 13:**

Any and all documents concerning Defendants' acquisition of any and all assets from Jim Marshall and/or created by Jim Marshall, including without limitation contracts, purchase agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 13:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this

Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 14:**

Any and all documents concerning Defendants' acquisition of any and all assets from Joseph Sia and/or created by Joseph Sia, including without limitation contracts, purchase agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 14:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a

1 reasonable and diligent search, and to the extent such documents have not already been produced to  
2 Plaintiffs.

3 **Plaintiffs' Request for Production No. 15:**

4 Any and all documents concerning Defendants' acquisition of any and all assets from Michael  
5 Zagaris and/or created by Michael Zagaris, including without limitation contracts, purchase  
6 agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual  
7 property rights, negotiations, diligence, valuations, appraisals, and licensing.

8 **Defendants' Response to Request for Production No. 15:**

9 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
10 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
11 information protected from disclosure by the attorney-client privilege and/or the attorney work  
12 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
13 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
14 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
15 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
16 privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants  
17 further object to this Request to the extent that it seeks confidential business, trade secret, and/or  
18 financial information. Subject to and without waiving these or the foregoing General Objections, and  
19 subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

20 Defendants will produce relevant, non-privileged documents that are responsive to this  
21 Request, to the extent such documents are found within its possession, custody, or control after a  
22 reasonable and diligent search, and to the extent such documents have not already been produced to  
23 Plaintiffs.

24 **Plaintiffs' Request for Production No. 16:**

25 Any and all documents concerning Defendants' acquisition of any and all assets from Baron  
26 Wolman and/or created by Baron Wolman, including without limitation contracts, purchase  
27 agreements, drafts, communications, disclosures, prospectuses, inventories, assignments, intellectual  
28 property rights, negotiations, diligence, valuations, appraisals, and licensing.

**Defendants' Response to Request for Production No. 16:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 17:**

Any and all documents concerning any inventory or catalogue of the Acquired Materials, including without limitation documents identifying each of the Acquired Materials, the source of the Acquired Materials, the date on which the Acquired Materials were originally created, the quantity of Acquired Materials when they were acquired, and/or the characteristics or specifications of the Acquired Materials, including without limitation the document(s) detailing the inventory of Acquired Materials acquired from SFX and/or Clear Channel that was disclosed and transferred to Defendants in connection with such acquisition.

**Defendants' Response to Request for Production No. 17:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work

product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs, as much of the information sought with this Request can be obtained by accessing [www.wolfgangsvault.com](http://www.wolfgangsvault.com).

**Defendants' Supplemental Response to Request for Production No. 17:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs, as much of the information sought with this Request can be obtained by accessing [www.wolfgangsvault.com](http://www.wolfgangsvault.com). Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 18:**

Any and all documents concerning any agreements between Graham, on the one hand, and/or any of the Plaintiffs and/or Musical Artists or their representatives or Record Companies, on the other

hand, including without limitation venue contracts and riders, releases, licensing agreements, settlement agreements, drafts, royalty statements, negotiations and communications.

**Defendants' Response to Request for Production No. 18:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 19:**

Any and all documents concerning any agreements between any Seller, on the one hand, and/or any of the Plaintiffs and/or Musical Artists or their representatives or Record Companies, on the other hand, including without limitation venue contracts and riders, releases, licensing agreements, settlement agreements, drafts, royalty statements, negotiations and communications.

**Defendants' Response to Request for Production No. 19:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not

relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 19:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 20:**

Any and all communications between Graham and the Plaintiffs and/or Musical Artists or between Graham and any third party concerning the Plaintiffs and/or Musical Artists.



**Defendants' Response to Request for Production No. 20:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 20:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 21:**

Any and all communications between any Seller and the Plaintiffs and/or Musical Artists or between any Seller and any third party concerning the Plaintiffs and/or Musical Artists.

**Defendants' Response to Request for Production No. 21:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 21:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a

1 reasonable and diligent search, and to the extent such documents have not already been produced to  
2 Plaintiffs.

3 **Plaintiffs' Request for Production No. 22:**

4 Any and all documents concerning the reproduction of Plaintiffs' Intellectual Property in  
5 connection with the sale, manufacture, promotion or advertising of products, goods or services by  
6 Defendants and/or on the Website.

7 **Defendants' Response to Request for Production No. 22:**

8 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
9 harassing and oppressive. Defendants further object to this Request to the extent that it is vague and  
10 misleading with respect to the phrase "Plaintiffs' Intellectual Property," as it is unclear which  
11 "federal and state common law copyrights and/or other rights in the Sound Recordings and/or Audio  
12 Recordings" it is referring to; it assumes facts not in evidence; is argumentative; and it calls for legal  
13 conclusions about Plaintiffs' purported rights, when in fact Defendants are acting and have always  
14 acted lawfully. Defendants further object to this Request to the extent that it seeks information  
15 protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine.  
16 Defendants further object to this Request to the extent that it seeks information not relevant to the  
17 claims or defenses of any party to the pending action. Defendants further object to this Request to the  
18 extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the  
19 extent that it seeks information at least equally available to Plaintiffs, as much of the information  
20 sought with this Request can be obtained by accessing [www.wolfgangsvault.com](http://www.wolfgangsvault.com). Defendants further  
21 object to this Request to the extent that it seeks information protected from disclosure by the  
22 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
23 parties. Defendants further object to this Request to the extent that it seeks confidential business,  
24 trade secret, and/or financial information.

25 **Defendants' Statement On The Record At The July 10 Hearing Regarding Request for**  
26 **Production No. 22:**

27 At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all  
28 non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 23:**

Any and all documents concerning any rights owned or acquired by Graham and/or any Seller in connection with the Poster Art, including without limitation contracts, licenses, assignments, communications, copyright registrations, royalty statements, releases, consents, analyses, legal opinions or permissions.

**Defendants' Response to Request for Production No. 23:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 24:**

Any and all documents concerning any rights owned or acquired by Graham and/or any Seller in connection with the Photographs, including without limitation contracts, licenses, assignments, communications, copyright registrations, royalty statements, releases, consents, analyses, legal opinions or permissions.

**Defendants' Response to Request for Production No. 24:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 25:**

Any and all documents concerning any rights owned or acquired by Graham and/or any Seller in connection with the Apparel, including without limitation contracts, licenses, assignments, copyright registrations, royalty statements, releases, consents, analyses, legal opinions or permissions.

**Defendants' Response to Request for Production No. 25:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this

Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 26:**

Any and all documents concerning any rights owned or acquired by Graham and/or any Seller in connection with the Swag, including without limitation contracts, licenses, assignments, communications, copyright registrations, royalty statements, releases, consents, analyses, legal opinions or permissions.

**Defendants' Response to Request for Production No. 26:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a

1 reasonable and diligent search, and to the extent such documents have not already been produced to  
2 Plaintiffs.

3 **Plaintiffs' Request for Production No. 27:**

4 Any and all documents concerning any rights owned or acquired by Graham and/or any Seller  
5 in connection with the Sound Recordings and/or Audiovisual Recordings, including without  
6 limitation contracts, licenses, assignments, communications, copyright registrations, royalty  
7 statements, releases, consents, analyses, legal opinions or permissions.

8 **Defendants' Response to Request for Production No. 27:**

9 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
10 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
11 information protected from disclosure by the attorney-client privilege and/or the attorney work  
12 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
13 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
14 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
15 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
16 further object to this Request to the extent that it calls for expert testimony and/or legal conclusions.  
17 Defendants further object to this Request to the extent that it seeks information protected from  
18 disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees  
19 and/or third parties. Defendants further object to this Request to the extent that it seeks confidential  
20 business, trade secret, and/or financial information. Subject to and without waiving these or the  
21 foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants  
22 respond as follows:

23 Defendants will produce relevant, non-privileged documents that are responsive to this  
24 Request, to the extent such documents are found within its possession, custody, or control after a  
25 reasonable and diligent search, and to the extent such documents have not already been produced to  
26 Plaintiffs.

**Plaintiffs' Request for Production No. 28:**

Any and all agreements, drafts, licenses, releases, negotiations, settlements, royalty statements, assignments, consents and/or communications between Graham or any Seller, on the one hand, and any Musical Artist, on the other hand.

**Defendants' Response to Request for Production No. 28:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 28:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing



General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 29:**

Any and all agreements, drafts, licenses, releases, negotiations, settlements, royalty statements, assignments, consents and/or communications between Graham or any Seller, on the one hand, and any Graphic Artist, on the other hand.

**Defendants' Response to Request for Production No. 29:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 29:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this

Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 30:**

Any and all venue agreements and riders concerning concert performances by any of the Musical Artists.

**Defendants' Response to Request for Production No. 30:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 30:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not

relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 31:**

Any and all documents concerning payments made by Graham or any Seller to the Plaintiffs and/or Musical Artists in connection with any of the Acquired Materials.

**Defendants' Response to Request for Production No. 31:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 31:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 32:**

Any and all documents concerning the sale and/or transfer of any assets of Bill Graham Presents, including certain of the Acquired Materials, from the estate of Bill Graham to Bill Graham Presents (or its partners), from Bill Graham Presents to SFX, and from SFX to Clear Channel.

**Defendants' Response to Request for Production No. 32:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this

Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 32:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 33:**

Any and all documents concerning any consent, license or other permission, or any refusal to grant any consent, license or other permission, from any Musical Artist in connection with the use of Plaintiffs' Intellectual Property on or in products, merchandise or goods that were at any time offered for sale on the Website.

**Defendants' Response to Request for Production No. 33:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it is vague and misleading with respect to the phrase "Plaintiffs' Intellectual Property," as it is unclear which "federal and state common law copyrights and/or other rights in the Sound Recordings and/or Audio Recordings" it is referring to; it assumes facts not in evidence; is argumentative; and it calls for legal conclusions about Plaintiffs' purported rights, when in fact Defendants are acting and have always acted lawfully. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Statement On The Record At The July 10 Hearing Regarding Request for Production No. 33:**

At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 34:**

Any and all documents concerning the creation and manufacture of the Reproductions, including without limitation, the identity of all manufacturers or vendors engaged by Defendants in connection with the Reproductions, the manufacturing specifications for the Reproductions, and the design of the Reproductions.

**Defendants' Response to Request for Production No. 34:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks

information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 34:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 35:**

Documents sufficient to identify each and every sound recording and/or audiovisual recording contained in the Acquired Materials and/or the Vault which contain the performances of any musical artist or performer.

**Defendants' Response to Request for Production No. 35:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks

1 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 2 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 3 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 4 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 5 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 6 privacy of Defendants, Defendants' past or present employees and/or third parties.

7 **Defendants' Supplemental Response to Request for Production No. 35:**

8 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 9 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 10 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 11 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 12 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 13 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 14 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 15 privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and  
 16 without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated  
 17 Protective Order, Defendants respond as follows:

18 Defendants will produce relevant, non-privileged documents that are responsive to this  
 19 Request, to the extent such documents are found within its possession, custody, or control after a  
 20 reasonable and diligent search, and to the extent such documents have not already been produced to  
 21 Plaintiffs.

22 **Plaintiffs' Request for Production No. 36:**

23 Any and all documents concerning the source of each Sound Recording and Audiovisual  
 24 Recording, including without limitation the individual(s) who were responsible for fixing the sounds  
 25 and/or images contained on each recording, the employer of each such individual(s), the  
 26 compensation paid to each such individual, the manner in which each recording was made, the format  
 27 of each recording, the purpose for which each recording was made, any assignment(s) or transfer(s)  
 28



1 of each recording, the source or Seller from which Defendants acquired each recording, and the date  
2 of each recording.

3 **Defendants' Response to Request for Production No. 36:**

4 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
5 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
6 information protected from disclosure by the attorney-client privilege and/or the attorney work  
7 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
8 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
9 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
10 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
11 further object to this Request to the extent that it seeks information protected from disclosure by the  
12 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
13 parties. Defendants further object to this Request to the extent that it seeks confidential business,  
14 trade secret, and/or financial information.

15 **Defendants' Supplemental Response To Request For Production No. 36:**

16 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
17 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
18 information protected from disclosure by the attorney-client privilege and/or the attorney work  
19 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
20 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
21 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
22 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
23 further object to this Request to the extent that it seeks information protected from disclosure by the  
24 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
25 parties. Defendants further object to this Request to the extent that it seeks confidential business,  
26 trade secret, and/or financial information. Subject to and without waiving these or the foregoing  
27 General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as  
28 follows:

1 Defendants will produce relevant, non-privileged documents that are responsive to this  
 2 Request, to the extent such documents are found within its possession, custody, or control after a  
 3 reasonable and diligent search, and to the extent such documents have not already been produced to  
 4 Plaintiffs.

5 **Plaintiffs' Request for Production No. 37:**

6 Any and all documents concerning any consent, license, permission or agreement given or  
 7 made by the Musical Artists and/or their Record Companies in connection with the creation of the  
 8 Sound Recordings and Audiovisual Recordings.

9 **Defendants' Response to Request for Production No. 37:**

10 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 11 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 12 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 13 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 14 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 15 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 16 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
 17 further object to this Request to the extent that it seeks information protected from disclosure by the  
 18 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
 19 parties.

20 **Defendants' Supplemental Response to Request for Production No. 37:**

21 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 22 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 23 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 24 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 25 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 26 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 27 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
 28 further object to this Request to the extent that it seeks information protected from disclosure by the

1 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
2 parties. Subject to and without waiving these or the foregoing General Objections, and subject to the  
3 entry of a Stipulated Protective Order, Defendants respond as follows:

4 Defendants will produce relevant, non-privileged documents that are responsive to this  
5 Request, to the extent such documents are found within its possession, custody, or control after a  
6 reasonable and diligent search, and to the extent such documents have not already been produced to  
7 Plaintiffs.

8 **Plaintiffs' Request for Production No. 38:**

9 Any and all documents concerning the sound board operators and/or sound engineers at any  
10 concert promoted by Graham and/or at which the Sound Recordings and/or Audiovisual Recordings  
11 were fixed, including without limitation documents concerning the identity of each such sound board  
12 operator and/or engineer, the employer of each such individual, the compensation paid to any such  
13 individual, and any employment or related contracts concerning each such individual(s) employment  
14 as a sound board operator or sound engineer.

15 **Defendants' Response to Request for Production No. 38:**

16 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
17 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
18 information protected from disclosure by the attorney-client privilege and/or the attorney work  
19 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
20 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
21 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
22 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
23 further object to this Request to the extent that it seeks information protected from disclosure by the  
24 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
25 parties. Defendants further object to this Request to the extent that it seeks confidential business,  
26 trade secret, and/or financial information.

**Defendants' Supplemental Response To Request For Production No. 38:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 39:**

Any and all documents concerning the ownership of all copyrights or other rights to the performances of any of the Musical Artists by any record label or record company.

**Defendants' Response to Request for Production No. 39:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this

Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 39:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 40:**

Any and all documents concerning the identify of the Author(s) of the Sound Recordings and/or Audiovisual Recordings, including without limitation documents establishing the independent copyrightable or creative contribution(s) of such Author.

**Defendants' Response to Request for Production No. 40:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work

product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request on the grounds that it calls for expert testimony and/or legal conclusions. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 40:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request on the grounds that it calls for expert testimony and/or legal conclusions. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 41:**

1 Copies of all Sound Recordings and Audiovisual Recordings, including without limitation of  
 2 any remixed or re-edited versions of the Sound Recordings or Audiovisual Recordings created by or  
 3 at the request of Defendants.

4 **Defendants' Response to Request for Production No. 41:**

5 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 6 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 7 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 8 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 9 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 10 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 11 Request to the extent that it seeks information at least equally available to Plaintiffs, as much of the  
 12 information sought with this Request can be obtained by accessing [www.wolfgangsvault.com](http://www.wolfgangsvault.com).  
 13 Defendants further object to this Request to the extent that it seeks information protected from  
 14 disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees  
 15 and/or third parties.

16 **Defendants' Statement On The Record At The July 10 Hearing Regarding Request for**  
 17 **Production No. 41:**

18 At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce  
 19 copies of all responsive recordings that have been copied, streamed, or licensed. *See* 7/10/07  
 20 Transcript at 26-28.

21 **Plaintiffs' Request for Production No. 42:**

22 Copies of all Acquired Materials or Reproductions featuring or concerning Plaintiffs'  
 23 Intellectual Property.

24 **Defendants' Response to Request for Production No. 42:**

25 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 26 harassing and oppressive. Defendants further object to this Request to the extent that it is vague and  
 27 misleading with respect to the phrase "Plaintiffs' Intellectual Property," as it is unclear which  
 28 "federal and state common law copyrights and/or other rights in the Sound Recordings and/or Audio

Recordings” it is referring to; it assumes facts not in evidence; is argumentative; and it calls for legal conclusions about Plaintiffs’ purported rights, when in fact Defendants are acting and have always acted lawfully. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it is vague as to time. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs, as much of the information sought with this Request can be obtained by accessing [www.wolfgangsvault.com](http://www.wolfgangsvault.com). Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants’ past or present employees and/or third parties.

**Defendants’ Statement On The Record At The July 10 Hearing Regarding Request for Production No. 42:**

At the July 10 hearing on Plaintiffs’ first motion to compel, Defendants agreed to produce paper copies of all responsive articles. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs’ Request for Production No. 43:**

Copies of all copyright and/or trademark registrations filed by or assigned to Defendants in connection with the Acquired Materials, Sound Recordings, Audiovisual Recordings or Reproductions.

**Defendants’ Response to Request for Production No. 43:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants’ past or present



employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 44:**

Any and all documents concerning any copy, remix and/or reedit of any of the Sound Recordings and/or Audiovisual Recordings made by or at the request of Defendants, including without limitation concerning any sound engineers who provided services in connection with any such copying, remixing and/or reediting and the identity of all Sound Recordings and/or Audiovisual Recordings that were copied, remixed and/or reedited.

**Defendants' Response to Request for Production No. 44:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 44:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third

1 parties. Subject to and without waiving these or the foregoing General Objections, and subject to the  
2 entry of a Stipulated Protective Order, Defendants respond as follows:

3 Defendants will produce relevant, non-privileged documents that are responsive to this  
4 Request, to the extent such documents are found within its possession, custody, or control after a  
5 reasonable and diligent search, and to the extent such documents have not already been produced to  
6 Plaintiffs.

7 **Plaintiffs' Request for Production No. 45:**

8 Any and all documents concerning releases, agreements, consents, assignments and/or  
9 licenses from the Musical Artists or Photographers in connection with the Photographs.

10 **Defendants' Response to Request for Production No. 45:**

11 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
12 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
13 information protected from disclosure by the attorney-client privilege and/or the attorney work  
14 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
15 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
16 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
17 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
18 further object to this Request to the extent that it seeks information protected from disclosure by the  
19 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
20 parties.

21 **Defendants' Supplemental Response to Request for Production No. 45:**

22 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
23 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
24 information protected from disclosure by the attorney-client privilege and/or the attorney work  
25 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
26 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
27 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
28 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants

1 further object to this Request to the extent that it seeks information protected from disclosure by the  
 2 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
 3 parties. Subject to and without waiving these or the foregoing General Objections, and subject to the  
 4 entry of a Stipulated Protective Order, Defendants respond as follows:

5 Defendants will produce relevant, non-privileged documents that are responsive to this  
 6 Request, to the extent such documents are found within its possession, custody, or control after a  
 7 reasonable and diligent search, and to the extent such documents have not already been produced to  
 8 Plaintiffs.

9 **Plaintiffs' Request for Production No. 46:**

10 Any and all documents concerning any American Federation of Musicians collective  
 11 bargaining agreement and/or riders concerning or applicable to concerts promoted by Graham.

12 **Defendants' Response to Request for Production No. 46:**

13 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 14 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 15 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 16 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 17 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 18 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 19 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 20 privacy of Defendants, Defendants' past or present employees and/or third parties.

21 **Defendants' Supplemental Response to Request for Production No. 46:**

22 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 23 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 24 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 25 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 26 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 27 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 28 Request to the extent that it seeks information protected from disclosure by the constitutional right to

1 privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and  
 2 without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated  
 3 Protective Order, Defendants respond as follows:

4 Defendants will produce relevant, non-privileged documents that are responsive to this  
 5 Request, to the extent such documents are found within its possession, custody, or control after a  
 6 reasonable and diligent search, and to the extent such documents have not already been produced to  
 7 Plaintiffs.

8 **Plaintiffs' Request for Production No. 47:**

9 Any and all documents concerning any public performance royalties allegedly paid by  
 10 Defendants in connection with the transmission of the Sound Recordings and/or Audiovisual  
 11 Recordings on the Website, including without limitation copies of any public performance licenses,  
 12 payments to any performing rights society, communications with any performing rights society and  
 13 any analyses or opinions concerning Defendants' qualification (or lack thereof) for any compulsory  
 14 public performance license.

15 **Defendants' Response to Request for Production No. 47:**

16 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 17 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 18 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 19 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 20 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 21 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 22 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
 23 further object to this Request to the extent that it seeks information protected from disclosure by the  
 24 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
 25 parties. Defendants further object to this Request to the extent that it seeks confidential business,  
 26 trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 47:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 48:**

Any and all communications, demands, complaints, cease and desist letters, correspondence, settlement agreements, pleadings, negotiations or other documents concerning any alleged infringement, breach or violation by Defendants of any rights held by any other party in connection with the sale, reproduction or Digital Audio Transmission of any of the Acquired Materials.

**Defendants' Response to Request for Production No. 48:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not

relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Statement On The Record At The July 10 Hearing Regarding Request for Production No. 48:**

At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all non-privileged documents responsive to this request, except to the extent the documents relate solely to the copyrights in the artwork or photographs. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 49:**

Any and all communications, demands, complaints, cease and desist letters, correspondence, settlement agreements, pleadings, negotiations or other documents concerning any alleged infringement, breach or violation by any third party of any rights allegedly owned or controlled by Defendants in and to the Acquired Materials.

**Defendants' Response to Request for Production No. 49:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third

1 parties. Defendants further object to this Request to the extent that it seeks confidential business,  
2 trade secret, and/or financial information.

3 **Defendants' Statement On The Record At The July 10 Hearing Regarding Request for**  
4 **Production No. 49:**

5 At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all  
6 non-privileged documents responsive to this request, except to the extent the documents relate solely  
7 to the copyrights in the artwork or photographs. *See* 7/10/07 Transcript at 26-28.

8 **Plaintiffs' Request for Production No. 50:**

9 Any and all documents concerning the litigation in the Southern District of New York  
10 captioned *Bill Graham Archives v. Dorling Kindersley Limited*, including without limitation all  
11 briefs, filings, exhibits, document productions, settlement negotiations, and pre-litigation negotiations  
12 between the parties concerning a potential license agreement.

13 **Defendants' Response to Request for Production No. 50:**

14 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
15 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
16 information protected from disclosure by the attorney-client privilege and/or the attorney work  
17 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
18 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
19 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
20 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
21 further object to this Request to the extent that it seeks information protected from disclosure by the  
22 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
23 parties. Defendants further object to this Request to the extent that it seeks confidential business,  
24 trade secret, and/or financial information.

25 **Defendants' Statement On The Record At The July 10 Hearing Regarding Request for**  
26 **Production No. 50:**

27 At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all  
28 non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 51:**

Any and all communications, "blog" postings, call logs, emails or other documents from any member of the public concerning any of the Plaintiffs and/or Musical Artists.

**Defendants' Response to Request for Production No. 51:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs, as much of the information sought with this Request can be obtained by accessing [www.wolfgangsvault.com](http://www.wolfgangsvault.com). Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 51:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing



General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 52:**

Any and all documents concerning any offer(s) to license, license(s) or license negotiations made or issued by, to or with any of the Defendants in connection with the Acquired Materials or any element thereof.

**Defendants' Response to Request for Production No. 52:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 52:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this

Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 53:**

Any and all documents concerning Defendants' sales, revenues, profits and expenses in connection with the sale, license and/or exploitation of all Acquired Materials or Reproductions that feature or concern Plaintiffs' Intellectual Property.

**Defendants' Response to Request for Production No. 53:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it is vague and misleading with respect to the phrase "Plaintiffs' Intellectual Property," as it is unclear which "federal and state common law copyrights and/or other rights in the Sound Recordings and/or Audio Recordings" it is referring to; it assumes facts not in evidence; is argumentative; and it calls for legal conclusions about Plaintiffs' purported rights, when in fact Defendants are acting and have always acted lawfully. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that

1 it seeks information protected from disclosure by the constitutional right to privacy of Defendants,  
 2 Defendants' past or present employees and/or third parties.

3 **Defendants' Statement On The Record At The July 10 Hearing Regarding Request for**  
 4 **Production No. 53:**

5 At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all  
 6 non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

7 **Plaintiffs' Request for Production No. 54:**

8 Any and all documents concerning Defendants' gross monthly revenues from the sale, license  
 9 and/or exploitation of the Acquired Materials.

10 **Defendants' Response to Request for Production No. 54:**

11 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 12 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 13 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 14 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 15 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 16 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 17 Request to the extent that it calls for expert testimony and/or legal conclusions. Defendants further  
 18 object to this Request to the extent that it seeks information protected from disclosure by the  
 19 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
 20 parties.

21 **Defendants' Statement On The Record At The July 10 Hearing Regarding Request for**  
 22 **Production No. 54:**

23 At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all  
 24 non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

25 **Plaintiffs' Request for Production No. 55:**

26 Any and all documents concerning any valuation or appraisal of some or all of the Acquired  
 27 Materials, including without limitation, the appraisals performed by Paul Grushkin and Rick  
 28 Pralinger.

**Defendants' Response to Request for Production No. 55:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it calls for expert testimony and/or legal conclusions. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Statement On The Record At The July 10 Hearing Regarding Request for Production No. 55:**

At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 56:**

Any and all documents concerning the number of "hits" on the Website in each month since it was launched.

**Defendants' Response to Request for Production No. 56:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants

1 further object to this Request to the extent that it seeks confidential business, trade secret, and/or  
2 financial information.

3 **Defendants' Supplemental Response to Request for Production No. 56:**

4 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
5 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
6 information protected from disclosure by the attorney-client privilege and/or the attorney work  
7 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
8 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
9 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
10 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
11 privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants  
12 further object to this Request to the extent that it seeks confidential business, trade secret, and/or  
13 financial information. Subject to and without waiving these or the foregoing General Objections, and  
14 subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

15 Defendants will produce relevant, non-privileged documents that are responsive to this  
16 Request, to the extent such documents are found within its possession, custody, or control after a  
17 reasonable and diligent search, and to the extent such documents have not already been produced to  
18 Plaintiffs.

19 **Plaintiffs' Request for Production No. 57:**

20 Any and all press releases, advertising, promotional materials, brochures or other materials  
21 used to advertise, promote or market the Website, the Sound Recordings and/or the Materials.

22 **Defendants' Response to Request for Production No. 57:**

23 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
24 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
25 information protected from disclosure by the attorney-client privilege and/or the attorney work  
26 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
27 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
28 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this

Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 58:**

Any and all documents concerning any alleged right by Defendants to sell, copy, license, publicly perform or otherwise exploit any of the Acquired Materials or Reproductions.

**Defendants' Response to Request for Production No. 58:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it calls for expert testimony and/or legal conclusions. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 58:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not

relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it calls for expert testimony and/or legal conclusions. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 59:**

Any and all documents concerning any legal or business analysis, opinion, or assessment, concerning Defendants' right (or lack thereof) to sell, license, display, perform, copy, distribute, or otherwise exploit the Materials.

**Defendants' Response to Request for Production No. 59:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it calls for expert testimony and/or legal conclusions. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Plaintiffs' Request for Production No. 60:**

Any and all documents concerning any business plans, memoranda or analysis concerning the sale, license, performance, distribution or other exploitation by the Defendants of the Acquired Materials.

**Defendants' Response to Request for Production No. 60:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 60:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request and relate to Plaintiff artists, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.



**Plaintiffs' Request for Production No. 61:**

Any and all documents concerning communications, licenses, negotiations, settlement discussions, demand letters or offers to license between Defendants, on the one hand, and any musical performing artists or record company, on the other hand, concerning the right to sell, copy, license, publicly perform or otherwise exploit any sound recordings or audiovisual recording in the Vault.

**Defendants' Response to Request for Production No. 61:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Statement On The Record At The July 10 Hearing Regarding Request for Production No. 61 :**

At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 62:**

Any and all documents concerning or supporting Defendants' assertion that "[t]he recordings were made legally; Mr. Sagan has a filing cabinet filled with documentation to prove it," as reported in *Pipe Dream: Music Stash Recalls When Rock was Young*, THE WALL STREET JOURNAL ONLINE, Dec. 13, 2005, including without limitation, copies of all such referenced documentation.

**Defendants' Response to Request for Production No. 62:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 63:**

Any and all documents concerning or supporting Defendants' assertion that "Sagan's employees have already digitized more than 1,000 audio recordings and sent them to engineers to have the sound quality cleaned up," as reported in *Rock Hound: Rare Recordings in \$5 Million Memorabilia Purchase*, ROCKY MOUNTAIN NEWS, Dec. 26, 2005.

**Defendants' Response to Request for Production No. 63:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 63:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Without admitting the accuracy of the purported quote, Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 64:**

Any and all documents concerning or supporting Defendants' assertion that "[b]ecause they own the master recordings, they are legally able to stream the music," as reported in *New Website to Feature Vintage Rock 'N' Rarities*, NEW YORK POST, Jan. 15, 2006.

**Defendants' Response to Request for Production No. 64:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 64:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 65:**

Any and all documents concerning Defendants' assertion that they "eventually plan to make these audio and video recordings available for downloads," as reported in Defendants' Press Release dated February 8, 2006, including without limitation documents identifying all Sound Recordings and/or Audiovisual Recordings to be made available for download, the price at which such recordings will be sold, if any, the format in which such downloads will be offered (including any digital rights management technology), the date of availability for download and any and all licenses obtained by Defendants permitting such downloads, if any.

**Defendants' Response to Request for Production No. 65:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this

Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Statement On The Record At The July 10 Hearing Regarding Request for Production No. 65:**

At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 66:**

Any and all documents concerning or supporting Bill Sagan's assertion that "Graham got rights way back then in some of those initial contracts" that would permit exploitation of the Sound Recordings, as quoted on National Public Radio's *Weekend Edition Saturday*: "Vault Radio, Offering Fresh Blasts from the Past" on Feb. 11, 2006.

**Defendants' Response to Request for Production No. 66:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 66:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the

attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 67:**

Any and all documents concerning Bill Sagan's claim that Defendants "have all those initial contracts, Janis Joplin's signature right next to Bill Graham's, Jimi Hendrix's," as quoted in National Public Radio's *Weekend Edition Saturday*: "Vault Radio, Offering Fresh Blasts from the Past" on Feb. 11, 2006, including without limitation copies of all such contracts.

**Defendants' Response to Request for Production No. 67:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 67:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants

1 further object to this Request to the extent that it seeks information protected from disclosure by the  
 2 attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this  
 3 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 4 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 5 privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and  
 6 without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated  
 7 Protective Order, Defendants respond as follows:

8 Defendants will produce relevant, non-privileged documents that are responsive to this  
 9 Request, to the extent such documents are found within its possession, custody, or control after a  
 10 reasonable and diligent search, and to the extent such documents have not already been produced to  
 11 Plaintiffs.

12 **Plaintiffs' Request for Production No. 68:**

13 Any and all documents concerning or supporting Bill Sagan's contention that Graham  
 14 obtained "some rights" that other promoters do not have due to Graham being a "visionary in how he  
 15 structured some of these agreements," as quoted in Ray Waddell, Vault News: Bill Graham's Vault,  
 16 BILLBOARD, Feb. 18, 2006.

17 **Defendants' Response to Request for Production No. 68:**

18 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 19 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 20 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 21 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 22 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 23 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 24 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 25 privacy of Defendants, Defendants' past or present employees and/or third parties.

26 **Defendants' Supplemental Response to Request for Production No. 68:**

27 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 28 harassing and oppressive. Defendants further object to this Request to the extent that it seeks

1 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 2 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 3 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 4 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 5 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 6 privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and  
 7 without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated  
 8 Protective Order, Defendants respond as follows:

9 Defendants will produce relevant, non-privileged documents that are responsive to this  
 10 Request, to the extent such documents are found within its possession, custody, or control after a  
 11 reasonable and diligent search, and to the extent such documents have not already been produced to  
 12 Plaintiffs.

13 **Plaintiffs' Request for Production No. 69:**

14 A copy of the contract described by Bill Sagan as "a Janis Joplin contract . . . from a  
 15 Winterland in 1969 . . . signed by Bill Graham and signed by Janis Joplin," as quoted in *Sunday*  
 16 *Morning with Charles Osgood* on CBS on Feb. 19, 2006.

17 **Defendants' Response to Request for Production No. 69:**

18 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 19 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 20 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 21 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 22 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 23 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 24 privacy of Defendants, Defendants' past or present employees and/or third parties.

25 **Defendants' Supplemental Response to Request for Production No. 69:**

26 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 27 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 28 information protected from disclosure by the attorney-client privilege and/or the attorney work



product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 70:**

Any and all documents concerning or supporting Bill Sagan's contention that the Acquired Materials obtained from SFX and/or Clear Channel are "worth a significant amount more" than the amount he paid, "in excess of 50 million. It's probably in excess of 100 million," as quoted in *Sunday Morning with Charles Osgood* on CBS on Feb. 19, 2006.

**Defendants' Response to Request for Production No. 70:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it calls for expert testimony and/or legal conclusions. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Statement On The Record At The July 10 Hearing Regarding Request for Production No. 70:**

At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 71:**

Any and all documents concerning any negotiation by Defendants with any musical performing artist or their representatives or record company to secure permission to exploit any of the Acquired Material, including without limitation alleged negotiations in London with attorneys for Led Zeppelin and negotiations with Sony BMG.

**Defendants' Response to Request for Production No. 71:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing, argumentative and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information.

**Defendants' Supplemental Response to Request for Production No. 71:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing, argumentative and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants

1 further object to this Request to the extent that it seeks information at least equally available to  
 2 Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected  
 3 from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present  
 4 employees and/or third parties. Defendants further object to this Request to the extent that it seeks  
 5 confidential business, trade secret, and/or financial information. Subject to and without waiving  
 6 these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order,  
 7 Defendants respond as follows:

8 Defendants will produce relevant, non-privileged documents that are responsive to this  
 9 Request, to the extent such documents are found within its possession, custody, or control after a  
 10 reasonable and diligent search, and to the extent such documents have not already been produced to  
 11 Plaintiffs.

12 **Plaintiffs' Request for Production No. 72:**

13 Any and all documents that support Bill Sagan's contention that "[w]e have the ability to take  
 14 these recordings and broadcast them. We own the master recording, and in order to broadcast them,  
 15 you don't have to negotiate it with anyone, you just pay the rate," as quoted in *Unknown Rock*  
 16 *Archive Opened!*, MOJO MAGAZINE, Oct. 1, 2006.

17 **Defendants' Response to Request for Production No. 72:**

18 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 19 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 20 information not relevant to the claims or defenses of any party to the pending action. Defendants  
 21 further object to this Request to the extent that it seeks information protected from disclosure by the  
 22 attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this  
 23 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 24 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
 25 further object to this Request to the extent that it seeks information protected from disclosure by the  
 26 constitutional right to privacy of Defendants, Defendants' past or present employees and/or third  
 27 parties.  
 28

**Defendants' Supplemental Response to Request for Production No. 72:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 73:**

Any and all documents concerning or supporting Bill Sagan's contention that "Graham obtained releases to record the bands," as quoted in Rockin' the Web, LOS ANGELES TIMES, Nov. 12, 2006, including without limitation, copies of any such releases.

**Defendants' Response to Request for Production No. 73:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to

1 privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and  
 2 without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated  
 3 Protective Order, Defendants respond as follows:

4 Defendants will produce relevant, non-privileged documents that are responsive to this  
 5 Request, to the extent such documents are found within its possession, custody, or control after a  
 6 reasonable and diligent search, and to the extent such documents have not already been produced to  
 7 Plaintiffs.

8 **Plaintiffs' Request for Production No. 74:**

9 Any and all documents concerning or supporting the contention by Defendants' counsel that  
 10 "Wolfgang's Vault has the right to use the posters, photographs and music. The rights were acquired  
 11 in a series of transactions that can't be challenged," as quoted in *They're Not in Concert: Wolfgang's*  
 12 *Vault Site Opens a Pandora's Box of Copyright Issues Over Rock Performances*, SAN FRANCISCO  
 13 CHRONICLE, Dec. 26, 2006.

14 **Defendants' Response to Request for Production No. 74:**

15 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 16 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 17 information not relevant to the claims or defenses of any party to the pending action. Defendants  
 18 further object to this Request to the extent that it seeks information protected from disclosure by the  
 19 attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this  
 20 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 21 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
 22 further object to this Request to the extent that it calls for expert testimony and/or legal conclusions.  
 23 Defendants further object to this Request to the extent that it seeks information protected from  
 24 disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees  
 25 and/or third parties.

26 **Defendants' Supplemental Response to Request for Production No. 74:**

27 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 28 harassing and oppressive. Defendants further object to this Request to the extent that it seeks

1 information not relevant to the claims or defenses of any party to the pending action. Defendants  
 2 further object to this Request to the extent that it seeks information protected from disclosure by the  
 3 attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this  
 4 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 5 Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants  
 6 further object to this Request to the extent that it calls for expert testimony and/or legal conclusions.  
 7 Defendants further object to this Request to the extent that it seeks information protected from  
 8 disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees  
 9 and/or third parties. Subject to and without waiving these or the foregoing General Objections, and  
 10 subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

11 Defendants will produce relevant, non-privileged documents that are responsive to this  
 12 Request, to the extent such documents are found within its possession, custody, or control after a  
 13 reasonable and diligent search, and to the extent such documents have not already been produced to  
 14 Plaintiffs.

15 **Plaintiffs' Request for Production No. 75:**

16 Any and all documents concerning or supporting the assertion on the Website that "[w]e have  
 17 acquired each item from its original artist, the production company that staged the concert, the  
 18 photographer that took the photograph or the performer that played the music."

19 **Defendants' Response to Request for Production No. 75:**

20 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 21 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 22 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 23 product doctrine. Defendants further object to this Request to the extent that it seeks information at  
 24 least equally available to Plaintiffs. Defendants further object to this Request to the extent that it is  
 25 vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks  
 26 information protected from disclosure by the constitutional right to privacy of Defendants,  
 27 Defendants' past or present employees and/or third parties.

**Defendants' Supplemental Response to Request for Production No. 75:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 76:**

Any and all documents concerning the "Certificates of Provenance signed by the archivist" referenced on the Website, including without limitation copies of all such certificates.

**Defendants' Response to Request for Production No. 76:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties.

**Defendants' Statement On The Record At The July 10 Hearing Regarding Request for Production No. 76:**

At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to produce all non-privileged documents responsive to this request. *See* 7/10/07 Transcript at 26-28.

**Plaintiffs' Request for Production No. 77:**

Any and all documents concerning or supporting Defendants' contention at paragraphs 38-40 of their Counterclaims that Graham "sold thousands upon thousands of items of memorabilia from his legendary shows . . . [and] sold more than 250,000 posters of the very same kind now sold by [Bill Graham Archives] . . . and licensed audio and video footage of the legendary concerts he promoted."

**Defendants' Response to Request for Production No. 77:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks confidential business, trade secret, and/or financial information. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.



**Plaintiffs' Request for Production No. 78:**

Any and all communications and related documents between Warner Music Group, including any of its agents, representatives, or employees, and Defendants, including without limitation those communications and documents referenced in paragraphs 53-61 of Defendants' Counterclaims.

**Defendants' Response to Request for Production No. 78:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 79:**

Any and all communications and related documents between Sony BMG, including any of its agents, representatives, or employees, and Defendants, including without limitation those communications and documents referenced in paragraphs 67-81 of Defendants' Counterclaims.

**Defendants' Response to Request for Production No. 79:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it

1 seeks information protected from disclosure by the constitutional right to privacy of Defendants,  
 2 Defendants' past or present employees and/or third parties. Subject to and without waiving these or  
 3 the foregoing General Objections, and subject to the entry of a Stipulated Protective Order,  
 4 Defendants respond as follows:

5 Defendants will produce relevant, non-privileged documents that are responsive to this  
 6 Request, to the extent such documents are found within its possession, custody, or control after a  
 7 reasonable and diligent search, and to the extent such documents have not already been produced to  
 8 Plaintiffs.

9 **Plaintiffs' Request for Production No. 80:**

10 Any and all documents concerning or supporting Defendants' contention at paragraph 65 of  
 11 their Counterclaims that "subsidiaries of Sony BMG had previously entered into licensing  
 12 agreements with King Biscuit . . . that would effectively preclude Plaintiffs from asserting claims  
 13 related to many Sony BMG artists," including without limitation, copies of such licensing  
 14 agreements.

15 **Defendants' Response to Request for Production No. 80:**

16 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 17 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 18 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 19 product doctrine. Defendants further object to this Request to the extent that it seeks information at  
 20 least equally available to Plaintiffs. Defendants further object to this Request to the extent that it is  
 21 vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks  
 22 information protected from disclosure by the constitutional right to privacy of Defendants,  
 23 Defendants' past or present employees and/or third parties. Subject to and without waiving these or  
 24 the foregoing General Objections, and subject to the entry of a Stipulated Protective Order,  
 25 Defendants respond as follows:

26 Defendants will produce relevant, non-privileged documents that are responsive to this  
 27 Request, to the extent such documents are found within its possession, custody, or control after a  
 28

1 reasonable and diligent search, and to the extent such documents have not already been produced to  
2 Plaintiffs.

3 **Plaintiffs' Request for Production No. 81:**

4 A copy of the Confidentiality Agreement purportedly signed by Sony BMG and Defendants  
5 in January of 2006, as alleged in paragraphs 72-75 of Defendants' Counterclaims.

6 **Defendants' Response to Request for Production No. 81:**

7 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
8 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
9 information protected from disclosure by the attorney-client privilege and/or the attorney work  
10 product doctrine. Defendants further object to this Request to the extent that it seeks information at  
11 least equally available to Plaintiffs. Defendants further object to this Request to the extent that it  
12 seeks information protected from disclosure by the constitutional right to privacy of Defendants,  
13 Defendants' past or present employees and/or third parties. Subject to and without waiving these or  
14 the foregoing General Objections, and subject to the entry of a Stipulated Protective Order,  
15 Defendants respond as follows:

16 Defendants will produce relevant, non-privileged documents that are responsive to this  
17 Request, to the extent such documents are found within its possession, custody, or control after a  
18 reasonable and diligent search, and to the extent such documents have not already been produced to  
19 Plaintiffs.

20 **Plaintiffs' Request for Production No. 82:**

21 Any and all documents related to communications between Defendants and a "high-ranking  
22 Sony BMG executive," and the visit to Defendants by a record producer as alleged by Defendants at  
23 paragraphs 77-80 of their Counterclaims.

24 **Defendants' Response to Request for Production No. 82:**

25 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
26 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
27 information protected from disclosure by the attorney-client privilege and/or the attorney work  
28 product doctrine. Defendants further object to this Request to the extent that it seeks information at

1 least equally available to Plaintiffs. Defendants further object to this Request to the extent that it  
 2 seeks information protected from disclosure by the constitutional right to privacy of Defendants,  
 3 Defendants' past or present employees and/or third parties. Subject to and without waiving these or  
 4 the foregoing General Objections, and subject to the entry of a Stipulated Protective Order,  
 5 Defendants respond as follows:

6 Defendants will produce relevant, non-privileged documents that are responsive to this  
 7 Request, to the extent such documents are found within its possession, custody, or control after a  
 8 reasonable and diligent search, and to the extent such documents have not already been produced to  
 9 Plaintiffs.

10 **Plaintiffs' Request for Production No. 83:**

11 Any and all Documents concerning or supporting Defendants' assertion that Sony BMG  
 12 "disclosed Confidential Information elicited from Bill Graham Archives to its Co-Plaintiffs and  
 13 Counterclaim Defendants," as alleged at paragraph 125 of Defendants' Counterclaims.

14 **Defendants' Response to Request for Production No. 83:**

15 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 16 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 17 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 18 product doctrine. Defendants further object to this Request to the extent that it seeks information at  
 19 least equally available to Plaintiffs. Defendants further object to this Request to the extent that it is  
 20 vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks  
 21 information protected from disclosure by the constitutional right to privacy of Defendants,  
 22 Defendants' past or present employees and/or third parties. Subject to and without waiving these or  
 23 the foregoing General Objections, and subject to the entry of a Stipulated Protective Order,  
 24 Defendants respond as follows:

25 Defendants will produce relevant, non-privileged documents that are responsive to this  
 26 Request, to the extent such documents are found within its possession, custody, or control after a  
 27 reasonable and diligent search, and to the extent such documents have not already been produced to  
 28 Plaintiffs.

**Plaintiffs' Request for Production No. 84:**

Any and all documents concerning or supporting Defendants' assertion that Warner Music Group made "material misrepresentations, omissions and concealments," as alleged at paragraph 106 of Defendants' Counterclaims.

**Defendants' Response to Request for Production No. 84:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information at least equally available to Plaintiffs. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 85:**

Any and all documents concerning the settlement agreement between Bravado and Bill Graham Archives dated January 2005, as referenced at paragraph 154 of Defendants' Counterclaims, including without limitation the Preceding Correspondence referenced at paragraphs 158-161 of Defendants' Counterclaims and any other communications and negotiations between Bravado and Bill Graham Archives preceding or concerning that agreement.

**Defendants' Response to Request for Production No. 85:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks

1 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 2 product doctrine. Defendants further object to this Request to the extent that it is vague, ambiguous  
 3 and uncertain. Defendants further object to this Request to the extent that it seeks information at least  
 4 equally available to Plaintiffs. Defendants further object to this Request to the extent that it is vague,  
 5 ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks  
 6 information protected from disclosure by the constitutional right to privacy of Defendants,  
 7 Defendants' past or present employees and/or third parties. Subject to and without waiving these or  
 8 the foregoing General Objections, and subject to the entry of a Stipulated Protective Order,  
 9 Defendants respond as follows:

10 Defendants will produce relevant, non-privileged documents that are responsive to this  
 11 Request, to the extent such documents are found within its possession, custody, or control after a  
 12 reasonable and diligent search, and to the extent such documents have not already been produced to  
 13 Plaintiffs.

14 **Plaintiffs' Request for Production No. 86:**

15 Any and all documents identifying and explaining the Defendants' document retention  
 16 policy(ies), including without limitation the backup of servers, the update of the Website, and the  
 17 archiving and destruction of old data and/or documents.

18 **Defendants' Response to Request for Production No. 86:**

19 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 20 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 21 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 22 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 23 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 24 Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this  
 25 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 26 privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and  
 27 without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated  
 28 Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 87:**

Any and all documents concerning the formation of Norton, LLC and Bill Graham Archives, LLC, d/b/a Wolfgang's Vault, and a list of the officers and directors for those entities.

**Defendants' Response to Request for Production No. 87:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Defendants further object to this Request to the extent that it seeks information not relevant to the claims or defenses of any party to the pending action. Defendants further object to this Request to the extent that it is vague, ambiguous and uncertain. Defendants further object to this Request to the extent that it seeks information protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated Protective Order, Defendants respond as follows:

Defendants will produce relevant, non-privileged documents that are responsive to this Request, to the extent such documents are found within its possession, custody, or control after a reasonable and diligent search, and to the extent such documents have not already been produced to Plaintiffs.

**Plaintiffs' Request for Production No. 88:**

All board minutes, approvals, resolutions, and other corporate records of Norton, LLC and Bill Graham Archives, LLC.

**Defendants' Response to Request for Production No. 88:**

Defendants object to this Request on the grounds that it is overly broad, burdensome, harassing and oppressive. Defendants further object to this Request to the extent that it seeks

1 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 2 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 3 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 4 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 5 privacy of Defendants, Defendants' past or present employees and/or third parties.

6 **Defendants' Supplemental Response to Request for Production No. 88:**

7 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 8 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 9 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 10 product doctrine. Defendants further object to this Request to the extent that it seeks information not  
 11 relevant to the claims or defenses of any party to the pending action. Defendants further object to this  
 12 Request to the extent that it seeks information protected from disclosure by the constitutional right to  
 13 privacy of Defendants, Defendants' past or present employees and/or third parties. Subject to and  
 14 without waiving these or the foregoing General Objections, and subject to the entry of a Stipulated  
 15 Protective Order, Defendants respond as follows:

16 Defendants will produce relevant, non-privileged documents that are responsive to this  
 17 Request and relate to the instant matter, to the extent such documents are found within its possession,  
 18 custody, or control after a reasonable and diligent search, and to the extent such documents have not  
 19 already been produced to Plaintiffs.

20 **Plaintiffs' Request for Production No. 89:**

21 Documents sufficient to identify all past and present employees of the Defendants, including  
 22 the dates of employment and job descriptions for each such employee.

23 **Defendants' Response to Request for Production No. 89:**

24 Defendants object to this Request on the grounds that it is overly broad, burdensome,  
 25 harassing and oppressive. Defendants further object to this Request to the extent that it seeks  
 26 information protected from disclosure by the attorney-client privilege and/or the attorney work  
 27 product doctrine. Defendants further object to this Request to the extent that it seeks information  
 28



1 protected from disclosure by the constitutional right to privacy of Defendants, Defendants' past or  
2 present employees and/or third parties.

3 **Defendants' Statement On The Record At The July 10 Hearing Regarding Request for**  
4 **Production No. 89:**

5 At the July 10 hearing on Plaintiffs' first motion to compel, Defendants agreed to provide this  
6 information via an interrogatory response in lieu of producing responsive documents. *See* 7/10/07  
7 Transcript at 26-28.

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